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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROLAND GREEN,

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Petitioner,

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:  
-v.-

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:  
DALE ARTUS,

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:  
Respondent.  
-----X

09 Civ. 5759 (WHP) (GWG)

ORDER

WILLIAM H. PAULEY III, District Judge:

Petitioner pro se Roland Green (“Green”) petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his conviction in New York State court. This action was referred to Magistrate Judge Gabriel W. Gorenstein. On March 12, 2010, Magistrate Judge Gorenstein issued a report and recommendation (the “Report”) recommending that Green’s petition be denied. On March 18, 2010, Green filed objections to the Report on two principal grounds: (1) “all ‘parties’ have not consented to the Magistrate Judge conducting the proceedings in this matter;” and (2) “Petitioner does not agree with . . . Magistrate Judge Gorenstein’s report and recommendation dated 3/12/10 . . . .”

Turning to Green’s first objection, this Court is authorized to refer a petition for a writ of habeas corpus under 28 U.S.C. § 2254 to a Magistrate Judge for a report and recommendation without the parties’ consent. See McCarthy v. Bronson, 500 U.S. 136, 139-40 (1991) (“Congress intended to authorize the nonconsensual reference of all prisoner petitions to a magistrate,” including “applications for habeas corpus relief pursuant to 28 U.S.C. §[] 2254 . . . .”

(emphasis omitted)).

Green's second objection that he "does not agree" with the Magistrate Judge's "entire ruling," while no doubt true, does not provide a basis for this Court to reject the Report. See Camardo v. Gen. Motors Hourly-Rate Employees Pension Plan, 806 F. Supp. 380, 381-82 (W.D.N.Y. 1992) ("[O]bjections to a Report and Recommendation are to be specific and are to address only those portions of the proposed findings to which the party objects."). The Federal Magistrates Act promotes judicial efficiency. Green's attempt to relitigate every argument presented to the Magistrate Judge undermines the purpose of the Act. See Johnson v. Artus, No. 07 Civ. 5905 (SAS) (FM), 2009 WL 1505177, at \*1 (S.D.N.Y. May 28, 2009).

This Court has reviewed Magistrate Judge Gorenstein's thorough and well-reasoned Report and finds that it is not facially erroneous. See 28 U.S.C. § 636(b)(1). Accordingly, this Court adopts the Report in its entirety and denies Green's petition. Because Green has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not be issued. See 28 U.S.C. § 2253(c)(2). In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962). The Clerk of the Court is directed to terminate all pending motions and mark this case as closed.

Dated: April 12, 2010  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

*Copies Mailed to:*

Magistrate Judge Gabriel W. Gorenstein

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